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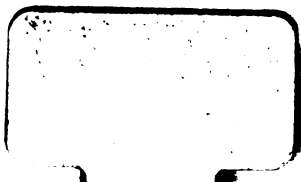
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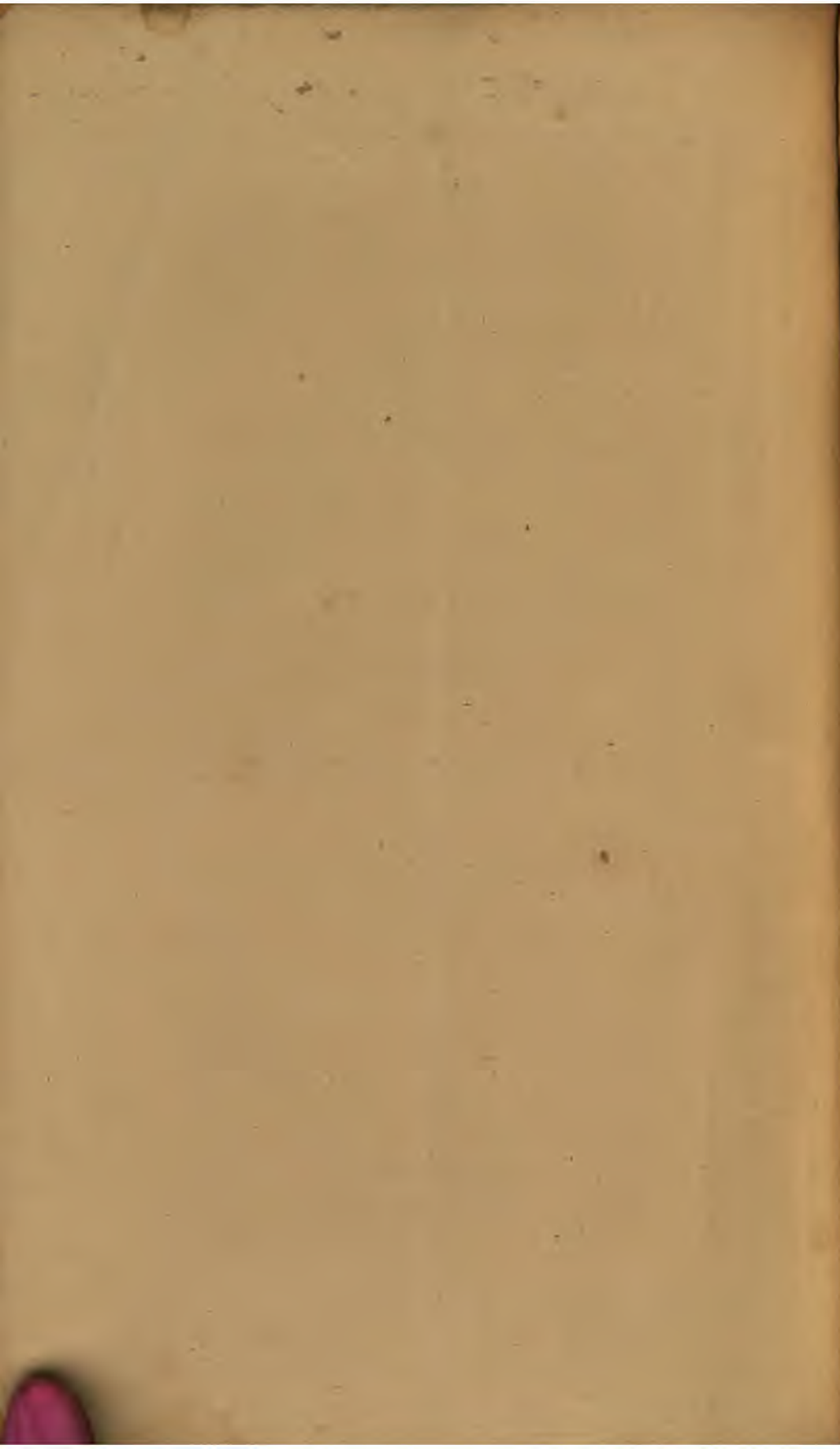
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**MR. HAZARD'S DISCOURSE**

**BEFORE THE**

**RHODE-ISLAND HISTORICAL SOCIETY,**

**January 18th, 1848:**



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# DISCOURSE

DELIVERED BEFORE THE

RHODE-ISLAND HISTORICAL SOCIETY,

ON THE EVENING OF

Tuesday, January 18th, 1848:

ON THE CHARACTER AND WRITINGS

OF

CHIEF JUSTICE DUFFEE.

*Gibson.*  
BY ROWLAND G. HAZARD,  
Member of the R. I. Historical Society.

PUBLISHED AT THE REQUEST OF THE SOCIETY.

*c*  
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## DISCOURSE.

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### GENTLEMEN OF THE HISTORICAL SOCIETY:

This return of our anniversary, comes attended with circumstances, which awaken in our bosoms, the conflicting emotions of exultation and sorrow. With its recurrence, the elate feelings of patriotic pride with which we here listened to the last annual discourse, again spring into being, with all their kindling and elevating influences. But with these feelings, comes the painful reflection, that he who contributed so much to the glory of that occasion, is no more among us; that the voice which then so delighted and instructed us, is hushed in the silent grave.

The events of that celebration may well form an era in the history of this Society, and of the State. By an effort, most felicitous and powerful, the orator of that day so successfully wrought all our past history—facts and principles,—that little seems left to those who may follow him in the same field of labor.

The relations he held to this Society—his zealous efforts in aid of its objects—the fact that he officiated as orator at the last annual celebration, and then delivered the first of the contemplated series of yearly discourses—the important and honorable position he long held in the government of our State—his conspicuous literary position—the general expectation of the public, and the expressed wish of many of your number, indicate the character, services, and writings of our late honored and beloved Chief Justice, as the prominent topic of this discourse, and which could I do them any justice, would certainly form an appropriate and congenial theme for the occasion.

I am not however, insensible either of the difficulties of the

task, or of my own inability properly to perform the duty which the partiality of my friends has assigned me, and am oppressed by the conviction that others more immediately connected, and more intimately acquainted with metaphysical and legal science, would have better conceived, and better portrayed his services, in these important departments, than any efforts of mine can accomplish. I feel my incapacity to do justice, even to my own conceptions of his vigorous mind and philosophic spirit; but most of all, do I feel incompetent to present to you any condensed and adequate idea of that towering fabric of philosophy he embodied in "Panidea," and which, almost without figure of speech, may be characterized as an intrepid effort of genius to connect earth and sky.

The intelligence of his death came suddenly upon us; and the acute sense of unexpected and unestimated loss, which at first startled the public mind, reflection has now matured into a calm, but deep felt conviction that it is irreparable. In recurring to the events of his life, the most important of which seem clustered round its close, our first feeling is that of keen regret that his intellectual labours were thus suddenly arrested, just as he had begun to make his long hoarded thoughts known to the public, with such promise of celebrity to himself, of lustre to our State, and of utility to the world. Another moment, and we shrink, as from a danger which we suddenly perceive we have narrowly escaped; and rejoice that he lived to give us his Commencement Oration, Panidea, and his Discourse before the Historical Society. But for these, though he would still have been long remembered as the amiable and talented citizen, and the enlightened and upright judge; and through his "Whatcheer," his claim to poetical genius of no common order, would have been established; his philosophical abilities would have been known only in a limited circle, and, even there, he might have been generally regarded as one possessed of mental powers which he was too indolent to use. And this view would, perhaps, have been rather confirmed than otherwise, by the unfinished versification of his poem. Now how different! The works alluded to, attest that the intellectual labour and persevering efforts of his whole life must have

been applied to the vigorous and ardent pursuit of philosophical truth. They entitle him to a high place among those who have devoted their best energies to the advancement of their race. They are his title deeds to an enduring fame. Through them, his voice will be heard over a realm so extensive, that the time between their publication and his death was not sufficient for the return of its echo from the nearest boundary of the subdivisions of the wide domain. Had he been taken from this sphere of action, before these fruits of his philosophical labors had been matured, the voice of eulogy might have been required to grace his exit; while only that of friendship could have done justice to his talents, and disclosed the industry and zeal with which he devoted them to the advancement of truth and the welfare of his race.

But he has now spoken, through his works, a language which even eulogy need not wish to alter. I shall not then seek to praise; nor is it my purpose to attempt to stir the fountains of grief, already so deeply moved; nor yet to assuage the sorrow which this event has occasioned. But, I would avail myself of the sensibility which it has naturally produced in the public mind, to impress it with some of the lessons of duty, virtue, and wisdom bequeathed us by our departed fellow citizen.

When we can no longer profit by the presence, when we can derive no further instruction and encouragement from the flowing precepts, and living examples of the wise and good, it is well to study such record of their thoughts, and meditate on such mementos of their actions as may still be within our reach, and give them that enduring place in the memory and affections, which shall continue, as far as possible, their happy influences. Let their lives, perpetuated by the pen of the historian, and their virtues, embalmed in the verse of the poet, still lend attractions to pure principles, and incite to noble actions.

Nor let these humble and more transitory efforts to kindle interest, in which we are now engaged, be wanting. The sympathetic and social feelings, which make a part of our being, seem to indicate these as the first appropriate mode of commemoration; a means of at once manifesting our admiration of the conduct, and our gratitude for the services of the de-

ceased, and of securing, in frail material, the first impressions of those models of character which, in some more enduring form, we would transmit to posterity. To us, memory, vivid memory, can still supply much, which *they* can only receive through the labors of the painter and the sculptor, the historian and the poet. Low indeed, degraded beyond all precedent, must be the destiny of a people, when they shall cease to profit by the lessons of their illustrious dead. Through all time they have exerted the most powerful agency in moral, political, and social regeneration.

And there is much, in the active life, and recorded thought of the distinguished citizen, whose loss we now deplore, worthy to be treasured up for the benefit of our own, and succeeding generations. It is true, his fame, though it had long since passed the boundary of his native country, and was extending with a rapidity accelerated by his recent achievements in the highest department of thought, had not yet become so brilliant, or so universal, as to make the event of his death of marked importance in distant lands; yet the sphere of usefulness he here filled, the place he held in the confidence and the affections of the community, the efforts he made to preserve and improve our institutions, his influence on our local character, and the glory he reflected on our literature, make it an occurrence of absorbing interest to the people of this State. If the most notable event to the world is the arrival in it of a great thinker, surely the departure of one whose labors seemed only just commenced, must be of corresponding importance.

The themes suggested by his position and his writings claiming our principal attention, we will present only a very brief chronological statement of the events of his life.

Job Durfee was a native of Tiverton, and son of the late Hon. Thomas Durfee, for many years Chief Justice of the Court of Common Pleas for the county of Newport. He was liberally educated; and took his bachelor's degree at Brown University, in the class of 1813. In May, 1816, some months previous to his admission to the bar, he was elected a Representative to the General Assembly from his native town, and

continued to be returned for the same place, by semi-annual elections, for five years successively.

At the March term of the Supreme Judicial Court for the county of Newport, he was admitted to practice as an Attorney and Counsellor in all the courts in this State. In October 1820, he was elected, conjointly with the Hon. Samuel Eddy, a Representative in Congress, and served through the 17th and 18th Congresses. Having failed of his election to the 19th Congress, he was again returned by his fellow citizens of Tiverton, (October 1826,) to the State Legislature, and was Speaker of the House, from October 1827, until May 1829.

He then declined a re-election, and remained in private life, occupied chiefly with literary and agricultural pursuits, until May, 1833, when he was once more returned to the General Assembly. At the meeting of the two Houses that year, for the purpose of election, he was chosen an Assistant Justice of the Supreme Judicial Court, then consisting of three judges, of which his former associate in Congress, the Hon. Samuel Eddy, was chief.

In June, 1835, on the retirement of Mr. Eddy, he was chosen to succeed him; and continued to be appointed to the place of Chief Justice, by annual elections, during the existence of the government under the old Charter, viz., to May, 1843. When the government was organized under the new Constitution, he was again elected to the same responsible station, and continued in the discharge of its duties until the day of his death.

In less than three years after completing his collegiate course, he entered into the service of the State; and, with the exception of one period, of four years, was employed, the remainder of his life, in one or other of the departments of her government. I need not dwell on the ability and integrity with which he discharged the various duties which thus devolved upon him, nor on the unwavering confidence which, in every situation was reposed in him by the public. It is interesting to observe, that his speech in Congress, in 1822, on the apportionment of representation, a question of much interest to this State, is marked by that broad comprehensiveness which is so prominent a feature in his subsequent productions.

But his services in the legislative halls of the State and nation, though highly creditable to him, appear unimportant, when compared with those, which for fourteen successive years, he rendered on the bench.

The duties of a judge are, perhaps, the most important and delicate of any which are required to be performed in the operations of government. They demand the highest qualifications, intellectual and moral, aided by that practical wisdom which is the result of profound study, close observation, and mature reflection.

When the courts fail to perform their duties, the very foundation of society is destroyed. The bad are no longer restrained. The government no longer affords that protection, which is the condition upon which the right of self-protection has been surrendered to it by the individuals of the compact; who, in such case, of necessity, reassume that right. Much of the violence in our frontier settlements, arises from the difficulties in obtaining redress for wrong, through the judicial tribunals; and, even in the older states, we have seen juries sustained by public opinion, in refusing to convict those guilty of the highest crimes; because, it was supposed, the laws provided no adequate redress for the injury which was the provocation to the offence; thus showing the prevalence of the sentiment, that when the laws do not make such provision, the injured party may resort to violence and take vengeance into his own hands.

These are terrible results of the absence of law, or of a lax and inefficient administration of its provisions, from which we may learn how highly we should appreciate the protection we derive from good government, but more especially do they indicate the necessity of competent and well organized tribunals of justice. Destroy the courts, and society is, of necessity, dissolved into its original, uncombined elements, and strength and artifice have lawless sway. The case may be yet worse if the laws are badly administered; for this may give fraudulent artifice a greater advantage over unsuspecting, uncalculating honesty, than it would derive from the total absence of law.

One step farther in this downward progression—let the courts

be corrupt—and we reach that most deplorable condition of society, in which the laws become but a weapon, and a most fearful weapon, in the hands of the wicked, for the purposes of oppression and destruction.

The judiciary then is the strong tie of society ; and in whatever aspect we view this essential element of government, its importance becomes more and more apparent. The judge must repress wrong, and protect every citizen by administering the laws which the legislature constitutionally enact for that purpose. He must also protect the citizen from any legislative infringement of the rights reserved or guaranteed to him in the fundamental law, which is the basis of the compact ; so that, under our form of government, it may become the duty of a judge to interpose his authority between one citizen and all the rest of the community. It is not easy to conceive of a position requiring more firmness and independence of character.

The action of a judge must also often be based on abstruse principles, known or fully apprehended only by the learned. Both these causes have a tendency to place him farther than any other officer, from the control of the people.

They perceive the impolicy of holding to strict account, one whom they wish to act independently, and the absurdity of attempting to judge of principles, which they do not fully comprehend. They refrain from measuring by their own, the judgments of one whom they have selected for the very reason that he is best able to judge of the questions presented for his official decision. This requires implicit faith in the ability and integrity of those who are invested with judicial authority.

The great importance of an independent judiciary has long been conceded, and is, indeed, very obvious. How it is best and most certainly obtained, is a difficult problem. It has generally been deemed necessary to provide large pecuniary compensation, and to make the incumbent independent of the appointing power by being subject to removal from his office only by impeachment for official misdemeanor. This, though in the main working well, is not free from serious objections. The usefulness of a judge may be very much impaired by the



loss of public confidence in his ability; or even in his integrity; when he could not be successfully impeached. He may become superannuated at an age when a general rule excluding him, might, in other cases, deprive the state of the services of her most able jurists. The mere uncalculating consciousness of such security from the consequences of public disapprobation, may remove a wholesome check upon individual prepossession and prejudices and I may add, against those sallies and caprices of judgment, which in some men, otherwise unexceptionable, are engendered and encouraged by a sense of freedom from the usual restraints on mental activity, by being; as it were removed from the jurisdiction of other minds. The person thus situated is liable, to some extent, to contract mental habits similar to those of the isolated thinker, unrestrained and uncorrected by collision and comparison with the thoughts of those around him. This is the extreme of independence, when it becomes an evil.

The system in this State is peculiar; and though, thus far, highly successful, cannot yet be considered as fully tested by experience. Whether we have permanently secured, in its full extent, the indispensable requisite of independence in our courts, and at the same time guarded against the evils of that system which has generally been thought essential to this object, is still a problem; and one of no common interest to us, and to all interested in government. It is wisely provided in our Constitution, that the appointment of judges need not be made a subject of discussion in the legislature, (which is the appointing power,) except to fill a vacancy occasioned by death or resignation; thus, in effect, requiring some cause to be alleged as a reason for any such discussion. This of itself, as compared with appointments at stated periods, has practically no little influence in making the office permanent; and so long as our citizens are impressed with the importance of selecting suitable men to fill the bench, and of making the office secure to the incumbent while he discharges its duties with ability and fidelity, our system will undoubtedly do well.

Under any system, the first requisite to an independent court is, the selection of men of independent minds to constitute it.

And this was a prominent characteristic of our late Chief Justice, The constant occupation of his mind, in the investigation of abstract truth, naturally led to habits of disinterested mental action; and no one can peruse his works without being struck with the intellectual intrepidity, swayed by no authority but reason, and restrained only by conscience, which is manifested in his every thought. With this first requisite he united, in an uncommon degree, other high qualifications for the station,

By some he has been thought deficient in juridical learning; but the information I have received from those better able to judge, and better informed than myself on this point, leads me to believe that this deficiency, if such it may be called, was only in the minute knowledge of adjudged causes. On the great mass of these, as mere authority, he seems to have set no great value. They are undoubtedly often a very *convenient* means of settling a new case, by the application of an old one more or less like it, by a process of stretching and shortening, making the old one do, and thus saving the intellectual labour required to investigate and apply original principles to each particular cause.

Judge Durfee was not willing to risk the rights of parties on such uncertain ground; but he diligently examined the opinions of the great expounders of legal science, and attentively scanned the reasoning by which their opinions were sustained.

As in philosophy, it was the habit of his mind to penetrate to the ultimate, to ascend to the cause of causes; so in judicial investigations, he sought to go back to the law of laws, and to draw from the pure original fountains of abstract justice the general principles which should be applied to the particular case in question.

For this process he was eminently qualified by the comprehensiveness of his views, and his peculiar powers of combination, of rigid analysis, and rational deduction.

Thus strongly armed by the reasoning faculties, for the conquest of truth, he was hardly less strongly fortified against errors by the intuitive perceptions and moral attributes. His pure and elevated principles, his nice sense of right; in short, his enlightened consciousness, would do much to correct

those errors in the processes of reasoning, to which the ablest logicians are liable, and would still more certainly prevent any practically injurious application of the erroneous results. The faculty which thus perceives without reasoning to conclusions, is the sentinel of truth, guarding the mind against the wily approaches of error. It is the attribute on which the great mass of mankind rely, and without which, a judge, whatever may be his intellectual endowments and legal attainments, will fail to command the highest confidence of the community. Without the nice moral sense—the pure consciousness which give sensibility to this faculty, enabling it to discover truth and detect error in advance of the logical power, and to sit in judgment on its processes, they will always apprehend, that mere acuteness of intellect and juridical learning will sometimes enable a judge to make his way farther in error, while they also give him the means of defending his position with plausible and ingenious reasons, and of fortifying it with learned authority.

Let it not then be overlooked, that with talent and learning, a judge should possess independence of character—a mind trained to habits of disinterested thought—comprehensive views—elevated morality—pure and enlightened conscientiousness, and a high controlling sense of duty.

All these qualifications were concentrated in the mind and character of Judge Durfee—and who would have wished such a mind to look for light to the recorded decisions of inferior men; decisions often hastily made, imperfectly reported, and without such statement of the reasons for the opinions given as would admit the application of the rational test. The plan he pursued was dictated by a just sense of the responsibilities of his office, and shows, that even with the inactive disposition ascribed to him, he spared himself no labor which duty required.

In connexion with the independence of the judiciary, there is another part of our system well worthy of consideration—and which appears, in a great measure, to neutralize all the evil which might arise from the dependence of our judges on the appointing power.

I allude to the small amount of compensation, which will always make the occupation of the bench, by one qualified for it, rather a matter of favor to the community, than of pecuniary advantage to the occupant.

He must take the place for other and higher considerations, from patriotic motives and a controlling sense of duty. And it is such men who act from such motives, who are especially wanted for this office. While then in the selection of a judge the people tender him the highest and most unequivocal proof of their confidence, and of their high estimate of his talents, wisdom, and virtue, they have, in the sacrifice to duty, which is involved in its acceptance, a guarantee that their estimate is correct, and their confidence well founded.

It is true such character on the bench is invaluable. Better for us to pay any possible price than not have it; and if paying such price would ensure an object of such immense importance, we ought not to hesitate. But all experience teaches, that the hope of obtaining high qualifications, and especially high *moral* requisites, by the payment of large salaries, is illusive.

When the pecuniary compensation is an object to mercenary office seekers, the choice must, almost of necessity, be made from among them. They will crowd themselves upon the attention of the public to the exclusion of modest merit, which is ambitious only to be useful.

We all know the mortifying fact, that offices of profit are too often filled, more with reference to claims for partizan service, or to apprehension of party injury, than to the fitness of the applicants; and we can hardly hope, that even the sanctity of the judicial ermine would protect it from the desecrating touch of the irreverent base and selfish, if they saw any hope of profiting largely by its pollution. Low salary then, seems to be a necessary accompaniment of that part of our plan which makes the tenure of this office uncertain.

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turn their attention to the subject, whenever from death, resignation, or other cause, a place on the bench is vacant.

They must then *look* for a person to fill it; and, in the very difficulty thus created, they will learn properly to appreciate the rare endowments for which they are obliged to seek, and which, when thus obtained, they will not be prone to part with for slight cause.

But it may be urged that when the proper qualifications are found, the inadequate compensation will be an obstacle to obtaining them. We reply, that then they are not yet found.

The man who, to serve his fellow citizens in this most important and most honorable of all official stations, would not forego the pursuit of wealth, and consent to live on an income which though moderate, is still much above the average allotment, does not possess the pure and disinterested patriotism—the chastened but exalted ambition, the noble purpose of soul, the self sacrificing and fervid devotion to duty which are the requisites of the station. He is not the man marked by Heaven, morally he is not higher than all the rest from his shoulders and upwards.

When the proper person is selected, there is little reason to fear that he will decline the proffered honor, for he is appointed in virtue of that high authority from which he has derived the talents which designate him for the office,—talents, which he will feel bound to use in obedience to the commands of Him who gave them.

In our limited territory, men of even less elevated views of the duties which devolve on talent, might, in yielding their consent to the solicitations of the public, feel that they were but performing an act of kindness to their friends and neighbors, and thus the feelings of friendship and local interests and attachments would here reinforce the more enlarged sentiments of patriotism and philanthropy. On this point we may derive encouragement from the past. It is true that under our present system we have had a very limited experience. Since its adoption this is the first vacancy which has occurred on the bench.

But when we consider the peculiar mental character of the late incumbent, the absorbing nature of those philosophical

investigations which habitually occupied his mind—the rapturous delight he evidently derived from the contemplation of truth in her most ethereal realms, and see him cheerfully descending from this starry height—withdrawing his mind from the sublimest problems of spiritual science to settle the petty questions which arise in the ignoble strife and competition of ordinary human affairs,—and that in thus giving thought, he gave that which to him was beyond all price, we may well doubt whether the duties of the office will ever require greater individual sacrifices to public interest than have already been made.

Though these principles are most especially applicable to those offices which require the highest moral requisites, they apply with more or less force to all.

That very moderate official compensation has always been a distinguishing feature in the system of this State, may have arisen, in part, from the limited resources of small territory; but it seems most probable that it sprung spontaneously from the truly democratic ideas which our ancestors incorporated in the very inception of our government.

They deemed the souls of all men equally free; and from this root springs all other practicable equality. Hence it has here ever been the custom to allot to our Senators, to the Governor of the State who presides at their deliberations, and to the officer who sweeps their legislative hall, the same moderate per diem recompense.

This is practically illustrating the great principles of republicanism—practically teaching the momentous doctrine, that the offices are for the benefit of the community, and not especially for that of the incumbents.

It is directly opposed to the doctrine, termed democratic, which has obtained in many of our sister states, that the salaries should be large, that the poor may be able to take office. This doctrine presupposes that the officers of government must, in virtue of their station, live in more expensive style than their neighbors. And this, we are gravely told, is to make the office respectable; as if in this Republican and Christian land respectability were measured by dollars and cents, or attached to fine linen and sumptuous fare.

Among the secondary principles which cluster around the leading idea of our State; I conceive there is none so important as the one we are considering,—none fraught with such promise of great results to the nation and the world. If it were applied to the officers of the general government, from the President down, the power which official patronage confers would no longer threaten our institutions. The Prætorian band of mercenary office seekers would be dispersed, and make room for talent actuated by patriotism. We should practically enforce the great truth just mentioned, that the offices are for the benefit of the community; and if the same principle could be applied to our diplomatic corps, we should extend the moral influence of these views beyond ourselves. Our foreign ministers, living in the style demanded by this system, would illustrate republican equality and simplicity, instead of servilely pandering to a foreign state pageantry, which however imposing and brilliant, is sustained at the expense of privation and suffering to the great mass of the governed.

This single principle, that official service is to be rendered from patriotic and philanthropic motives, has in it the power, and if faithfully maintained, will no doubt eventually shake the thrones of *civil*, as the gradual extension of our leading idea has already shaken those of *spiritual* despotism. If any one is disposed to smile at the idea of our little State aspiring to the proud distinction of accomplishing such great results, let him recur to the time, when on its soil, and near this very spot, a solitary persecuted man, cast out by his fellow men, and exposed to privation and danger, still nurtured in his single soul the great idea of a state where there should be spiritual freedom. Let him contemplate the progress of this idea as it has become actualized in our State—has been incorporated into our national government, and has more or less influenced every civilized nation on the globe—relaxing bigotry—restraining persecution—restoring conscience to its rightful supremacy, and then let him judge whether it be idle in us to nurture, in the bosom of our *little State*, a principle promising such momentous consequences; and whether we may not trust for their accomplishment to that energy which is inherent in all truth;

and especially in truth consecrated by the sacrifice of selfishness on the altar of duty.

These views also preclude the fallacy that good government can be obtained merely by the payment of sufficient money ; a fallacy which leads many to suppose they are fulfilling their whole public duty when they contribute liberally to the pecuniary expenses of the social organization, and that they are thereby absolved from the more indispensable contributions of that personal thought and attention, without which the liberal use of money will, almost of necessity, produce evil instead of good results.

Such erroneous notions wither patriotism, and extinguish enthusiasm for country.

But the association of high compensation with official duty, has yet a farther reach, and causes many to suppose that in withdrawing themselves from the cares of government, and yielding their claims to a share of the incidental emoluments, they practice a commendable generosity and self-denial. The effect of this is to throw the affairs of government into the hands of the mercenary, bringing official station into disrepute, and making a disregard of public duties a conventional virtue.

That the salaries in this State are now, practically at the right point, or that if so, circumstances may not require future changes, I do not presume to assert ; but I am convinced that the principle is correct, and that we shall find no plan which insures so much respectability to office, or that will draw so much talent and moral character into the service of the State as the one we have adopted, which brings into action higher motives than money can command.

The requisition which this system makes upon talent and virtue, is in harmony with that precept of our religion, which enjoins, that those who have freely received should freely give, and may be regarded as a departure from the prevailing social organization, in which selfishness is almost exclusively relied upon as the stimulus to the performance of all duties. It is, so far, an approach to that higher and better system, in which the nobler sentiments of justice, benevolence and love shall become the ruling principles of action.

There is unity in all truth; and do we not find in the harmony of this principle of low salaries and its consequences, with the high truths of social science and revealed religion, assurance that it is itself a verity, and a verity which we should fondly cherish and vigilantly protect from the assaults of that common foe to all principle and virtue, temporary expediency.

Though, at several times, Judge Durfee wished to retire, he was prevailed upon to continue in office, by those who saw the difficulty of another selection. He made the sacrifice cheerfully, for his love for his native State was ardent and constant. It was not, however, that limited sentiment which is circumscribed by geographical lines, and which, though sufficiently removed from selfishness to be esteemed as a high virtue, is yet narrow, compared with that enlarged benevolence which knows no local boundaries. In Judge Durfee, patriotism was but a concentrated modification of the intense interest he felt in the whole humanity.

In our little State he saw much of future hope to the whole race, and with her leading ideas of liberty for his lever, he made it the stand point from which he might, with whatever power was in him, move the world. Perhaps, in the glowing fervor of his attachment, he invested it with some of those ideal perfections which warmed his vivid fancy, and excited enthusiasm in his ardent mind. But under the influence of that calm spirit, which is the characteristic of a mind trained to high and ennobling conceptions, he saw our State trying the experiment of self-government under new circumstances, with the new element of soul-liberty incorporated in its whole system, and modifying all its institutions. From an element so obviously congenial to civil liberty he argued even more than from the signal success of the experiment for two centuries. He saw in this first realization of a great idea, "a liberty which implied "an emancipation of reason from the thralldom of arbitrary "authority, and the full freedom of enquiry in all matters of "speculative faith."

He saw that in asserting that "Christ was King in his own Kingdom," our ancestors had virtually denied the legitimacy of all *pretenders* to the spiritual throne, and had thus proclaim-

ed the downfall of religious despotism, and with it the most galling and hopeless form of civil thralldom and oppression. He traced the great central idea of our State, from its first feeble manifestations in the individual opposition of conscientious martyrs to the usurpers of spiritual authority, through the bold Waldenses, the heroic spirits of the reformation, and the devoted pilgrims of New-England, until it became here the acknowledged principle of a government ; and began, in a systematic manner, to work out those practical results to which all true thought, however abstract, continually tends as its remote but certain effect.

In view of the great importance of this principle, and the fidelity and vigilance with which it was guarded by our ancestors, it seemed to him a sacred trust which Heaven had confided to their care for the benefit of all future ages ; and he delighted, in imagination, to trace its progressive influence on the happiness of the whole human race.

He saw too, that with the Rhode-Island notions of government engrafted on the principle of religious liberty, our ancestors had successfully guided the State between the two extremes of licentiousness and arbitrary authority, keeping on that safe ground of liberty regulated by rational laws, which is equally removed from anarchy on the one hand, and from tyranny or unnecessary restraint on the other. And when, in his own time, he saw the State in danger of being driven from this middle ground by the influence of other notions of liberty, which having obtained in our sister states, had gradually gained a foothold in this, he felt that a crisis had arrived, the event of which might very much retard the progress of rational liberty. The germ which had been so carefully protected and nurtured into vigorous growth was about to be destroyed. He was aroused by the emergency, and leaving his quiet home repaired to the scene of agitation, and put forth all his energies to support the institutions of the State, and save it from anarchy and civil war.

This is not the proper time, or place, to question or defend his views on this subject, and I mention the circumstance only as indicating the intense interest he felt in all that concerned

the welfare of the State ; but more especially in the perpetuity of those leading ideas of her government, which he deemed so important to the progress of the world. This attachment to the State, and hope in her principles, are presented in his Historical Discourse, in language which must make every Rhode-Island bosom glow with patriotic pride. The reader will there find that while our State has, on all occasions, been the pioneer of freedom, she has also been foremost in those commercial and mechanical pursuits which have contributed so much to individual comfort and national prosperity,

She first asserted perfect *religious* freedom.

In the revolution she passed the first legislative act, and struck the first blow for *civil* liberty.

She was the first to brave royalty in arms, and the first to cope with that navy whose prowess had made it the terror of the world ; and when the great struggle for national existence was successfully terminated, she furnished in her past history the model of that constitution which was to cement the union and crown the triumph.

While agriculture was here pursued on a magnificent scale, Newport was early pre-eminent in commerce, and at a later period Providence led the way in manufacturing enterprizes.

"In what then," to use the language of the discourse alluded to, "in what then, has Rhode-Island fallen short of the high promise given by her fundamental idea? Is she not thus far, first among the foremost in the great cause of Liberty and Law?"

Let Rhode-Island men ponder on the glorious past, which they will find delineated in this notable discourse, till from the fervid patriotism which inspired its author, and dictated its eloquent pages, they derive a kindred ardor, and firmly resolve, by being true to themselves, and to the great principles of the State, to retain the proud pre-eminence, which, by a firm and steadfast adherence to these principles, has already been achieved.

In this we may profit by other precepts and suggestions of the same work. We are there taught that we have a sure ground of hope in ourselves and that we may rely on the sound

maxims and practical good sense, which are the basis of the institutions, by which we have been self governed for two centuries, enjoying at once more perfect liberty, and more perfect security than were ever before attained by any social organization.

And we are there warned not to be led away from our own principles, by following the example of other states, in their wild pursuit of a social organization, in which there shall be liberty without restraint; the pursuit of an organization which shall be *no* organization. But let me repeat this lesson of practical wisdom, in his own words. He says: "It has been the fortune of Rhode-Island from her infancy to the present hour to balance herself between liberty and law, to wage war, as occasion might require, with this or that class of ideas, and keep them within their appropriate bounds. And before certain other states, some of them not fairly out of their cradles, undertake to give her lessons of duty in relation to such ideas, let me tell them that they must have something of Rhode-Island's experience, and have, like her, been self-governed for centuries." Shall such counsel be lost upon us? Shall we, recreant to our own honor, and to the high trust which has thus descended to us, desert the principles which have thus far made our career so glorious and so useful? Or shall we not rather resolve to cling to them, and still pressing forward, continue the worthy pattern of other states instead of their servile imitator. Our longer experience in self-government, and our limited territory, both favor our being the model state.

Let this be our ambition, and while looking with steadfast hope on the future, let us not be unmindful of the teachings, or the glory of the past. From these we may derive wisdom to direct, and enthusiasm to give energy and noble purpose to our efforts.

For the means of taking a retrospective view of our past history, and the principles it inculcates, we are much indebted to the efforts of many of the members of this society; but no one has perhaps done so much to give our history and principles a popular and attractive form as Judge Durfee has accomplished in his *Whatcheer*, and in his *Historical Discourse*.



One of his principal objects in writing the former of these works, as stated by himself, was to invest our history, and the principles and spirit of Roger Williams, with the interest which poetry can throw around its subject, and through its potent influences, imprint them on the memory, and make them familiar to the popular mind. The same object is manifested in his prose writings, and especially in the discourse just mentioned.

The importance he attached to the preservation of these principles, and the institutions which had grown up under them, and the glowing fervour with which they inspired his ardent mind, are strikingly and eloquently portrayed, in his official charge to the grand jury in March, 1842.

It has been remarked by intelligent observers in other states, that Rhode-Island is culpably regardless of her fame; and there is so much of dignity, and of magnanimity to admire, in the willingness to perform great actions without levying approbation, or being solicitous for the renown which should follow them, that I can hardly find it in my heart to wish it otherwise.

But still a proper regard to the influence of those actions, as well as justice to those by whom they were performed, may prescribe the duty of making them known. This is strongly urged in the Discourse alluded to.

Speaking of the "Rhode-Island idea of government," he says, "I now ask you, fellow-citizens, whether there be not that  
 "in its history which is well worthy of our admiration; and  
 "that in it which is still big with destinies glorious and honorable? Shall the records which give this history, still lie unknown and neglected in the cabinet of this Society for the  
 "want of funds for their publication? Will you leave one respected citizen to stand alone in generous contribution to  
 "this great cause? I ask ye, men and women of Rhode-Island!  
 "for all may share in the noble effort to rescue the history of  
 "an honored ancestry from oblivion. I ask ye, will you allow  
 "the world longer to remain in ignorance of their names, their virtues, their deeds, their labours, and their sufferings in the  
 "great cause of regulated liberty? Aye, what is tenfold worse,  
 "will you suffer your children to imbibe their knowledge of

"their forefathers from the libelous accounts of them given by  
 "the Hubbards, the Mortons, the Mathers, and their copyists?  
 "Will you allow their minds, in the germ of existence, to be-  
 "come contaminated with such exaggerations, and perversion  
 "of truth, and inspired with contempt for their progenitors,  
 "and for that State to which their forefathers' just conceptions  
 "of government gave birth? Citizens!—be ye native or adopt-  
 "ed, I invite ye to come out from all minor associations for the  
 "*coercive* development of minor ideas, and adopt the one great  
 "idea of your State, which gives centre to them all; and, by  
 "hastening it onward to its natural developments, you shall  
 "realize your fondest hopes. Let us form ourselves into one  
 "great association for the accomplishment of this end. Let  
 "the grand plan be, at once struck out by a legislative enact-  
 "ment, making immediate, and providing for future appropria-  
 "tions; let the present generation begin this work, and let  
 "succeeding ones, through all time, go on to fill up and perfect  
 "it. Let us begin, and let our posterity proceed to construct  
 "a monumental history that shall, on every hill, and in every  
 "vale, consecrated by tradition to some memorable event, or to  
 "the memory of the worthy dead, reveal to our own eyes, to  
 "the eyes of our children, and to the admiration of the stran-  
 "ger, something of Rhode-Island's glorious past. Let us forth-  
 "with begin, and let posterity go on to publish a documentary  
 "history of the State; a history, that needs but to be revealed,  
 "and truly known, in order to be honored and respected by  
 "every human being capable of appreciating heroic worth.  
 "Let a history be provided for your schools, that shall teach  
 "childhood to love our institutions, and reverence the memory  
 "of its ancestry; and let myth and legend conspire with his-  
 "tory truly to illustrate the character and genius of ages gone  
 "by, and make Rhode-Island all one classic ground. Let a  
 "literary and scientific periodical be established, that shall  
 "breathe the true Rhode-Island, spirit defend her institutions,  
 "her character, the memory of her honored dead from defama-  
 "tion, be it of the past or present time; and thus invite and  
 "concentrate the efforts of Rhode-Island talent and genius,  
 "wherever they may be found. Let us encourage and patronise

"our literary institutions of all kinds, from the common school to the college—they are all equally necessary to make the Rhode-Island mind what it must be, before it can fulfill its high destinies. Let this, or other more hopeful plan, be forthwith projected by legislative enactment; and be held up to the public mind for present and future execution, and we shall realize by anticipation, even in the present age, many of the effects of its final accomplishment. It will fix in the common mind of the state, an idea of its own perpetuity, and incite it to one continuous effort to realize its loftiest hopes."

"If Rhode-Island can not live over great space, she can live over much time—past, present, and to come—and it is the peculiar duty of statesmen to keep this idea of her perpetuity constantly in the mind of all."

This is a strong appeal, fervidly urging us to perform an important duty. But I apprehend the deep interest in the preservation of our past history which dictated it, may have led its author to overlook, for the moment, an object no less dear to him, and to recommend what might, and very probably would lead to encroachment on our State principles. I allude to his appeal for aid from the legislature.

As a State, we have generally been careful that legislative action should not interfere with those matters which are more properly the subjects of individual duty. A liberal construction of our leading principle of soul liberty, covers this ground. We would give to conscience the freest possible scope. Let us not then narrow the limits for the performance of those actions which a conscientious conviction of duty demands. Let us not encroach on that sphere in which patriotism and philanthropy are nurtured, and in which they find their appropriate field for vigorous and invigorating activity.

When a people are accustomed to look to the government for the accomplishment of every desirable public object, the glowing sentiments which should animate them are lost in a soulless abstraction; public spirit degenerates to a mere state pride, and individual devotion to country, having no object for

its practical application, or development, becomes, in popular estimation, but a romantic absurdity.

These views are confirmed by analogies drawn from the system which Divine wisdom has established. If the supreme governor of the world left no good to be performed, no difficulties to be surmounted by individual effort, how would virtue be developed, or find occasions for its exercise?

It may be said, that when union is required, the government is already organized, and ready for efficient action; but there is a wide difference in favor of the moral effects of a combination, in which every individual unites from a conscientious conviction that it is his duty to aid in the accomplishment of the contemplated object, and that in which the many find themselves accidentally and incidentally acting without thought, interest, or volition; or, perhaps, with a feeling that they act only by compulsion, against their judgment or their will.

This objection, that state interference prevents the development, or impairs the influence of patriotic sentiment, applies even to objects universally admitted to be beneficial, but which could be as well accomplished by private action. If, however, it be a fact, (the hypothesis even seems a libel)—if it be a fact that there is not enough of public spirit among us to accomplish the object alluded to in the passage I have quoted, I am not prepared to say, it would not become the duty of the State to preserve that past history which is our common inheritance, and which it is our duty to transmit to succeeding generations. But in thus assuming the guardianship of this portion of experimental knowledge, let it be careful not to encroach more directly on our principles by becoming the propagators of speculative doctrines,—political, philosophical, or religious. They are nearly related to each other. The political creed is engendered by speculative philosophy, which in its turn is nearly allied to theology.

Will it be said that it is the duty of a free state to sustain and propagate those views which insure its own perpetuity and its own stability? This is the plea of despotism, and the very foundation of the Church and State doctrine. A free government, must conform to the progress of speculative ideas

as they become sufficiently firm for its foundation: Despotism; which does not thus conform, is liable to violent convulsions, and is stable only when there is no such progress. Similar convulsions also attend premature efforts to change a government in advance of this progress of speculative ideas, or before they have been fully developed in the popular mind.

If any legislators suppose the power of government may be used to secure its own permanency by directing this progress, let them first essay the more easy task, and try if by legislative enactment they can roll back Niagara's flood, or arrest the thunderbolt; and in the reflection, that the latter has been accomplished by science; they may learn that however important and beneficial in its appropriate sphere, the action of government is temporary and impotent, compared with that mighty current of ideas which has its sources in the abstract investigations of the philosopher, and the deep revolvings of the metaphysician.

In his *Historical Discourse*, Judge Durfee selected as appropriate to the occasion, a purely Rhode-Island theme. It was also one congenial to his feelings, and he here appears emphatically a Rhode-Island man. But it is not as her statesman, her Judge, her patriotic historian and enthusiastic eulogist, that we would choose to portray the great features of his mind, and we now come to the consideration of those works by which he extended himself beyond all local boundaries, and became a citizen of the world; or, in view of the almost boundless range of his thoughts, I might rather say of the Universe, and of that Universe which mind alone pervades.

His first appearance as an author was in the poem entitled *Whatcheer*,\* taking for his subject the settlement of this State by Roger Williams. It is one of the few American poems which have been favorably noticed in the foreign reviews, and been republished in Europe. In the somewhat mechanical part of versification, it is deficient. Its rhythm is not always smooth; but tested by the true criterion of poetry, the power of bringing real or imaginary scenes vividly to the mental per-

\*Since writing the above I have learned that a poem of his, entitled "the Vision of Petrarch," recited before the United Brothers' Society of Brown University in 1814, was published at that time.

ception, and the consequent power of producing lively and intense emotion, it will be found to possess poetic merits of a very high order.

The subject well deserved to be immortalized in song ; for history records few events fraught with more important results, than the successful establishment of a state based on religious freedom ; and few acts more truly heroic, than that of its founder encountering, in the depth of winter, the perils and hardships of a journey through the pathless wilderness, and trusting to the favor of savage tribes already irritated by the encroachments of the whites, rather than do violence to his conscience by renouncing his principles, or even refraining from propagating them. The adventures of his journey, and of his intercourse with the Indian tribes, are vividly depicted and the reader will often find his interest wrought to a painful intensity. But the sentiment most powerfully excited by the whole work, is that of admiration for the unconquerable spirit with which the hero of the poem adheres, in every adversity, to the noble and lofty purpose, to which through life, he devoted all his energies. This appears to have been the author's principal object, and this, it seems to us, is most happily accomplished.

The next publication from his pen, was an Oration before the Phi Beta Kappa Society of Brown University, delivered at the Commencement anniversary in 1843.

The leading idea of this work is, that the course of events in this world is mainly determined by its deep thinkers, acting through the medium of scientific invention and discovery. It is presented with much force of argument and happy illustration, revealing one of the most consoling views which philosophy has ever presented to the popular mind. How encouraging to reflect, that the errors of legislation, the folly of infatuated rulers, the miseries of war, the success of national fraud, and the supremacy of violence, are but temporary and local counter currents and eddies in the great tide of events, which moved by the mighty impulses of thought, is still flowing resistlessly onward. And how inspiring to the philanthropist to find that his efforts to advance the happiness of his race,

if directed by mature reflection, can only be very partially, and for a brief space, neutralized by the perverse action of thoughtless folly, vice, and ignorance.

His next and most important publication is entitled, "Pan-idea, or the Omnipresent Reason considered as the creative and sustaining Logos." The title has been thought unfortunate, but it probably conveys as correct an idea of the contents of the book as any which could be selected. It embodies his philosophical views, and is evidently the result of long and patient study and deep meditation.

It appears indeed, to have been the final product of the floating thoughts of his meditative life, suddenly precipitated, as by some galvanic spark, and clustering in symmetrical order around his central idea, which combined all the infinitude of particulars into entirities, and in the last analysis merges these entirities in the unity of the Reason or Logos.

This converging of his ideas into a regular system, was probably not long anticipated even by himself, and may be regarded as one of those delightful surprises, which occasionally reward and cheer the solitary labors of the patient metaphysical enquirer, as the Aloe, after its century of constant, but almost unobservable growth, suddenly matures the beautiful flower, which imparts comeliness and grace to its rugged strength. But his thoughts had evidently long tended to the formation of the system in which they eventually took order. His poem is slightly tinged with its peculiar doctrines, which in a more practical form, are very observable in both the other prose works to which we have alluded. It dawned in his Commencement Oration, and its setting rays, reflected in his Historical Discourse, were the last his luminous mind shed upon our path.

In proceeding to the consideration of this work, allow me to dwell a moment on some objections which have been urged against it, and some charges to which it has exposed its author.

In the first place, it is said to be profoundly metaphysical, and therefore of no utility. We admit the charge, but we by no means concur in the inference. We are aware, that to many,

the term metaphysics carries with it repulsive associations with all that is dark, intricate, and bewildering in thought.

There is much diversity in the definition of the term, but it is popularly applied to abstract investigations of the nature of existence and the causes of change, but more especially to the nature and phenomena of the ultimate efficient cause—*mind*. Why then this popular repulsion? Is there nothing in those faculties, by which we are distinguished as rational and intelligent beings, to stimulate our curiosity and induce examination? Nothing in those general abstract principles, which embrace all particular knowledge, to render their possession desirable? Is it nothing, that such inquiries, at least furnish a fair field for the healthful and invigorating exercise of the intellectual faculties—a retreat for the mind, from the annoyances, intrusions and selfish influences of bustling life, to calm and disinterested thought, strengthening all its noble faculties and nurturing all its holy aspirations for truthful acquisitions.

If, as it seems reasonable to suppose, the great object of the universe is to furnish a means to discipline and improve the spirit, how imperfect the system, without this provision for the study of its own nature and its mode of action. But independent of the gratification and improvement of the individual student of metaphysics, it reveals us important truths; many of them, as might be expected from spiritual science, nearly allied to the consolations of religion; and related to its divine revelations, as the finite to the infinite mind. To what purpose are we told that the spirit is immortal, if we are to know nothing of its attributes and its susceptibilities to pleasure or pain. From the dearth of such inquiry—the total absence of a proper infusion of metaphysical thought in the popular mind, it has ever, in its notions of a future state, fastened on a material Heaven, and a material Hell, as the ultimate of its conceptions of happiness and misery. It is this deficiency, which causes a religion to be popularly attractive, in proportion as it addresses itself to the senses, and which makes the sensual paradise of the Mahometan, more influential in producing consistency of belief and conduct, than the spiritual joy which is promised in the Christian's Heaven.



We have already alluded to one very consoling and encouraging result of metaphysical research, as the subject of one of Judge Durfee's works, and we may add that his definition of a State, so important in its practical application to the political rights and duties of governments and of citizens, was a direct and immediate consequence of his abstract speculations on the doctrine of *entireties*, of which it is only a particular case.\*— So that if metaphysics has not that peculiar utility which is intended by the objectors, it has still higher claims, and will no doubt be pursued while "the heart of him that hath understanding seeketh knowledge." But are such objectors aware of its direct and important connections with the immediate affairs of life? Do they consider, that a great portion of all the honest persecution which the world has endured, has arisen from a metaphysical error as to the relations between belief and the will; and that next to the influences of religion, a comprehensive knowledge of the effects of vice on the mind would be the surest guarantee of virtue. But the argument may be brought much closer to the utilitarian.

Trace all the recent great mechanical improvements and discoveries to their source, and we shall find they emanate from the abstract metaphysical thought which Bacon wrought out, or collected and embodied from the labors of more remote, and even more purely abstract metaphysical thinkers. The metaphysician is, in this respect, the central point from which, when we advance beyond the instinctive, all action radiates. He is the necessary antecedent to the mere philosopher. Bacon furnished the key which enabled Newton to unfold the mysteries of the material universe, and he gave direction to Locke's inquiries into the spiritual nature. His metaphysical researches revealed a method, and gave an impulse to material science; which, in its widening progress, has influenced all the efforts of mankind, from the philosopher to the simplest artificer and laborer.

Steamboats, railroads, and magnetic telegraphs are but a portion of the grand result; and when the whole ground is seen,

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\* This definition has since been made the foundation of a very able argument, by a very able constitutional lawyer, in a cause before the Supreme Court of the United States.

I apprehend it will appear scarcely less absurd in those who are benefited by these improvements, to question the utility of metaphysical inquiries, than for a man eating bread to ask the use of cultivating grain. Such people would have the improvements without the pre-requisite thought, the grain without sowing or reaping. They *may*, by some chance, find the one growing spontaneously, as the other may be discovered by accident or unguided search. I conceive it would not be difficult to show that the power of England, disproportioned as it is to her area, is the result of the influence of her deep abstract metaphysical thinkers. Without them her soil and climate might have produced strong bodies, but she would have wanted the animating soul which has made her what she is, and sustains her at a point, from which, this wanting, she would precipitately fall.

The advancement of speculative philosophy, and of abstract science, must of course be but a progress of ideas. But these, in their developments, exert a practical influence on our thoughts, feelings, sentiments, habits and actions—in short, on the moral, intellectual and physical condition of the world. In the départment of physical labor, they point the way to mechanical improvements, or penetrating the political strata, revolutionize governments, or convulse nations when they are too strongly opposed by pre-established institutions. What was the political tragedy enacted in France near the commencement of this century, but a practical manifestation of ideas which had advanced far enough to expose the evils of the government, but had not yet reached the construction of a better? At this point they but gave power to the blind instinct of revenge, without imparting the elevated feelings which a farther progress will inspire. The masses caught some bright, transitory glimpses of the true objects of government; but the old notions that the glory of a nation was to be found on the battle field, and that the bosoms of the millions should freely bleed to aggrandise a successful leader had not yet been eradicated. A brave and chivalric people were subdued—the blaze of enthusiasm was extinguished in anarchy, and the aspirations and hopes of philanthropy were crushed beneath the iron heel of

despotism. But the combined power of Europe has not been able for a moment to arrest that progress of ideas, which in this terrific struggle, with volcanic force, shook it to the centre. The first convulsive throes of the pent up elements are over, and on the new soil which the eruption has thrown up from the murky abyss of superstitious ignorance, the verdure, the bloom, and more advanced stages of progressive thought, give promise that it will yet ripen in the consummation of those high hopes and lofty purposes which mere physical force can only very feebly accelerate or retard.

The general principle involved in these views, would indeed seem to be a necessary corollary to the obvious truth, that intelligence is the only activity, the only efficient cause. Hence thought moves the world, and the energy of the changes, and the rapidity of the progress of any people, must find their limit in the energy of their thinkers. In confirmation of these views, we may remark that, where there is least speculative thought, there is also least progress even in the practical arts.

"Panidea" is also charged with being obscure. This, we apprehend, is inseparable from the subjects of which it treats. Its object is to extend our knowledge over a region as yet very imperfectly explored; a region lying on the outer confines of science, where conventional signs of thought are not yet established, and where the persevering and penetrating thinker must consequently construct a language as he advances. To make this language easily intelligible to others, is obviously a work of much difficulty, if indeed this be not wholly impossible. As well might we expect the first pioneer in a forest to make an open highway as he travels through it, as the first explorer of new and remote metaphysical truth, to construct a plain and definite language of communication with it. All that can be expected of either, is that they will leave such traces of their progress that others may more easily follow in the same path, which will become plainer and plainer by use. But even this inevitable obscurity is not without its beneficial results in awakening thought, and causing more thorough investigation. That mankind should cluster on one plain, around some lofty structure, is no more in conformity with Divine order

in the mental than in the material sphere of human activity; and whenever a metaphysical system is built of sufficient height to become an object of universal attraction to philosophers, this ambiguity of language, is sure to divide and scatter them over the whole domain of thought, great portions of which might else remain waste and unexplored.

But another and a more serious charge has been brought against this work; and some, who reiterating the charge of obscurity, would hardly claim to understand its metaphysical formulas, or to comprehend their various relations to some intricate and subtle questions of theology, are bold to assert its sceptical tendency.

On this point I might urge the known sentiments and piety of the writer; but I am aware that great and good men have sometimes advocated views, which when carried out to their legitimate logical consequences, lead to erroneous and pernicious results which they did not perceive, and hence any argument drawn from the purity of their lives, though it might exculpate them from the suspicion of intentional wrong, would not prove that no error was involved in the doctrines they promulgated; which, therefore, must speak for themselves, and be judged without reference to the virtues with which they may thus be associated.

To these doctrines we confidently appeal in the present instance for a complete refutation of this charge. And what are these doctrines, as we find them recorded in *Panidea*? which, as we have before observed, embodies the philosophical creed of its author.

He does not, however, claim to have put forth in it much which is absolutely new in idea; but there is much of novelty in the combination, and in the reasoning by which some of the ideas are supported, as also in the illustrations by which, with rare felicity, he reflects light into the profoundest depths of metaphysics.

It treats of some of the most difficult and interesting questions which have ever attracted the thought, or stimulated the curiosity of mankind. The freedom of the will, the origin of our knowledge, the fact and the mode of communication be-

tween the finite and the infinite mind, the existence or non-existence of matter, as a substance distinct from spirit, the relations of the material to the spiritual, and the mode of God's government of the universe, are among the subjects comprehended in its wide range of investigation.

In regard to the first of these, though in his "doctrine of entreties," and in representing the Omnipresent Reason not only as ever present in the human mind, but as controlling to a great extent the succession of its ideas, he seems only narrowly to escape necessity, yet in his own view he had clearly avoided it; for he distinctly states, that his method does not disturb the identity, or mar the unity, into which material and spiritual natures are resolvable; and he repeatedly asserts the freedom of the human will. This is perhaps more fully explained in the passage, in which, after speaking of the Logos as spontaneously filling the mind with its own ideal imagery, he says, "I may *will* the *necessary conditions*, but the conditions *realized*, the imagery comes of a law *above* my will." In this view there is obviously still room for voluntary effort in producing the *necessary conditions*.

The origin of our knowledge he traces to the same Omnipresent Reason, ever present in the finite mind, spontaneously impressing it with some ideas, and ever ready, on certain conditions, to impart to it finite portions of its own universal knowledge. In regard to the mode of such communications, he seems to have held them to be as various as those by which finite spirits impart their ideas to each other. We do this by signs in the form of written or articulate language, by more perfect resemblances, as in painting, or other representations of the object, or by action. If to these, we add the power of immediately communicating thoughts by mere volition, which is claimed by the advocates of animal magnetism, we shall perhaps have embraced all the conceivable modes of imparting our ideas. All these must of course be at the command of the Supreme Intelligence.

It is manifest that every phenomenon which is produced by the creative power, even in the material world, is the result of some antecedent, or concomitant idea of the Divine mind,

and hence, let the question of the existence or non-existence of matter be decided as it may, in the observation of these phenomena, we read the thoughts of God as he has himself chosen to express them. They are clothed in grandeur and beauty, and address themselves, with moving eloquence, to all that in our nature admires the good, venerates the holy, is elevated by the sublime, or awed by the powerful and terrific. In thus using material phenomena as one means of communicating his thoughts, and consequently a knowledge of his character, to finite minds, the question very naturally arises, whether the Supreme Intelligence in so doing, has called to his aid, or availed himself of the use of some intermediate substance distinct from himself, and from all intelligence, and moulded his thoughts in it; or, whether all the phenomena we term material are but the direct thought, the imagery of the mind of God made palpable to our finite minds. It would manifestly be puerile to deny the possibility of this.

We can all of us, by mental effort, raise imaginary scenes in our own minds. We can close our eyes, and by an internal power, which is creative in the sphere of self, call into existence a landscape, with its hills and valleys, and forest and lawn, and vary the picture as fancy may dictate. Nothing external, then, is necessary to such imagery. Suppose we possessed the power of transferring this imagery immediately to the mind of another person, who should thus behold the imagery of our mind, the same as he apprehends that of his own, but being unable to vary it by his volitions he would discover that it had an existence independent of himself; and this to him would constitute it *real*, as distinguished from the transitory imagery which he himself creates, and changes at will.

We have then only to suppose the Supreme Intelligence endowed with this power of directly imparting ideas and images to finite minds, to account for all the phenomena of the material universe, on the hypothesis, that it is but the imagery of the Supreme mind, the thought of God made palpable to us. It is obvious that it is only thought and sensation which we receive from it, and the phenomena of dreams are alone sufficient to show, that no external substance is necessary to produce the

same thoughts and sensations which we usually ascribe to the direct influence of what we term matter.

But it will be asked, by those who have not considered this point, if it be possible, that all this material universe, which we can see and feel, is but a mere creation of the imagination, or a mere idea !

With the author of Panidea we would reply, that it is no mere creation of *our* imaginations ; and we would further add, that it certainly is the expression of a mere idea of the Divine mind ; and that even supposing it to be only the imagery of the mind of God, thus made permanent and palpable to us, it is still as *real* as any existence possibly can be. It exists independently of us, and resists, in greater or less degree, our efforts to change it ; and hence, to us, is as real, as if it were a distinct substance existing independent of all intelligence.

A thought, thus petrified, is as solid as marble ; aye, may be very marble itself, as a thought still varying in the infinite mind may constitute the heaving billow of the ocean, or the waving foliage of the forest.

That material phenomena are thus entirely the result of spiritual action is assumed ; I cannot say I think it is demonstrated, in Panidea, though there is evidently much argument in its favor, as compared with the generally received opinion, that they require or imply the existence of a distinct independent substance. All that comes under the observation of our own senses, is as clearly explicable, or as darkly inexplicable, on the one hypothesis, as the other. But if in the present state of the question, it would be premature to decide, we may remark, that the views adopted in Panidea are recommended by the greater simplicity which they presuppose in the plan of creation. By thus considering the material as but an *effect* of spiritual action, or a form of thought, all those difficult and embarrassing questions relative to the connexion of soul and body, spirit and matter, are at once discarded, and we have only to consider the action of spirit on spirit, in producing those thoughts and sensations directly, which we usually conceive to be produced through the medium of a distinct material substance.

If any one is disposed to urge the almost universal conviction in opposition to the views adopted on this point in Panidea, let him reflect, that the same argument could once have been quite as strongly urged against the rotation of the earth, and that if such argument is deemed conclusive, no error which has obtained general belief can ever be corrected. Or, if any one would apply a still more popular test, and supposes he can subvert this doctrine by knocking his head against a wall, let him try the experiment; and if he learns any thing by his experience, it will not be that the wall, or even his head, has any such distinct existence as he supposes, but only that a foolish *mental* volition, growing out of an erroneous *mental* idea, has been followed by a painful *mental* sensation.

But the utilitarian may still enquire, if all the phenomena remain the same, and are equally explicable on either hypothesis, where is the use in laboring for a solution?

Such an enquirer would probably not admit that the improving exercise of the intellect, the pleasure of gratifying the curiosity, of ministering to the insatiable desire of knowledge, or the beauty of a completed system, nor perhaps even the unanticipated benefits which usually result from the acquisition of truth, would be sufficient inducement to a rational mind, to engage in such arduous and difficult investigation. Less sensitive than Memnon's heart of stone, the dawning rays of truth awaken no music in his breast. Light, breaking through chaos upon a new and beautiful creation, kindles no transport in his bosom.

But happily there is a utility in the views we find here enforced, which even he will hardly fail to recognize. Though the solution of the problem would not in any wise alter the phenomena of the material universe, nor its effect in producing images or sensations in our minds, it might still materially change their influences on our spiritual nature.

The views adopted in Panidea, are admirably calculated to give practical effect to our speculative belief in the Omnipresence of Deity; to make us feel that we are ever in his sight; that we may, at all times, commune directly with the Living God, instead of being separated from him by the intervention



of dead matter. There is perhaps no idea more calculated to ennoble man, than the thought that he is thus ever the immediate object of the attention and regard of the Supreme Being, and that he may at all times be the recipient of the teachings of perfect wisdom, communicated through the senses, in a language of which the purest and loftiest poetry is but a feeble imitation; or imparted in that purely spiritual mode in which thought flows directly from mind to mind, and the chords of sense and passion which respond so perfectly to the varying tones of nature, are hushed in a presence which fills the whole soul with unutterable harmony, awakening an elevated rapture which makes it feel that all the material apparatus, though so delicate and so potent, so seemingly perfect for instilling sentiment and kindling emotion, is but a feeble manifestation of the power which thus acts directly on the spiritual being.

The evidence of a strong, a controlling desire to reach the ultimate, and form a perfect system, is a prominent feature of the work. As in the material universe each subordinate system, though apparently complete in itself, is but an inconsiderable portion of a large, and again of a yet larger system, revolving around centres more and more remote, making a series to which the imagination assigns no limits; so in the order of intelligence, every advance seems but to bring into view combinations more and more extensive, increasing the apparent distance of the ultimate, and discouraging all efforts to reach it through the successive steps of the progression.

In Panidea we have a vigorous effort to surmount this difficulty; to reach at once the common centre of all material and mental phenomena, and to find a formula which shall express the sum of the infinite series of the progression leading to it.

That trait of mind which is restless and impatient of imperfection, and seeks completeness in its thoughts, is here strikingly displayed, while the comprehensiveness of the plan by which these results are sought, gives emphasis to our previous remarks on that characteristic of the author. It extends beyond the former boundary of science to an outer circle, which includes the heretofore ultimate principle of gravitation as one of its subordinate parts, and embraces under one law, both

spiritual and material phenomena. This higher and more comprehensive generalization, he designates as the doctrine of assimilation.

This is in harmony with the effort made in the first portions of the work, to reason from the material phenomena of vision to the abstractions of the intellect, and surmount the difficulty of the mind's extended action, by showing that extension itself is but a consequence of mental activity, that space is but a mere relation of ideas, necessarily arising in the mind, whenever material phenomena, or mental imagery are the objects of its thoughts.

The difficulty of thus reasoning from material to mental phenomena will be appreciated by those, and perhaps only by those, who have themselves made the effort. How far it is possible to overcome this difficulty, seems to depend on the solution of the great problem of the mode of matter's existence ; which the acutest intellects have long attempted in vain ; and we imagine the effort which is made in Panidea must rank with those which, though among the most successful, have merely enabled us better to apprehend the question itself without relieving us from its difficulties.

There is, however, displayed in the work, so much profound thought, such acute and thorough investigation of the subjects of which it treats, and such logical ability, that even when a demonstration appears inconclusive, we may well suspect that it may arise rather from our not fully understanding the argument, than from any deficiency in the reasoning, which others of the present or future time, may more fully comprehend and appreciate.

But now, we would ask, what is there in these views, which teach that the Supreme Being is thus absolute in the physical creation, and ever present, in his fullness, in every finite mind ; that he is there "an ever present helper ;" and that in him "we live and move, and have our being," which warrants the charge of sceptical tendency, in the sense in which that charge is intended ? Is there aught in such views to impair our belief in the existence of God ; to weaken our faith in any of his great attributes, or in the verity of his revelations ? Or, are

not their tendencies, rather as the author himself desired they might be, when in the closing paragraph of *Panidea* he says, "I leave these questions with the reader; and whatever may be the conclusion to which he shall come, may it be such as shall strengthen his belief in the existence of God in his omnipresence, omniscience, omnipotence, and benevolence; and such as shall inspire him with a new faith in an elevated destiny for man here, and with a fresh confidence in a continued existence hereafter."

It is true, the writer often seems to have ventured far upon that ocean of speculation, where with no aid from the usual landmarks and charts of thought, "the soul goes sounding on its dim and perilous way," but the needle which guides his course is still true, still ever pointing to the eternal centre of eternal truth.

That such charges should formerly have been preferred against those who attempted any innovation in spiritual science, or any extension of its limits, does not appear very remarkable, when we reflect that ascendancy in spiritual matters then carried with it temporal authority, and that hence arose a select class, interested in perpetuating prevailing opinions, and especially in representing the Supreme Being as widely separated from humanity, occupying an imperial throne in the remotest confines of space, and there holding his august court in which the great mass of mankind were permitted to appear only by attorney. It certainly was not strange that those who arrogated to themselves the exclusive privilege of pleading in the tribunals of Eternal Justice, should denounce the doctrine of God's presence in the human soul, ready at all times to enlighten the honest enquirer, by immediate and direct communication to his finite spirit, as a heresy fraught with the most direful consequences; or that they should apply the most opprobrious epithets to such views, and to those who taught them. But in this enlightened age, and in this land of religious liberty, it would, I trust, be as unjust, as it would be painful, to attribute this charge of sceptical tendency to such narrow views and such mercenary motives.

That such charges are still so commonly brought against all

innovators in spiritual science, probably arises, in part, from a vague idea, that every extension of the jurisdiction of the finite mind is an encroachment on the prerogative of the infinite. The same apprehension has occasionally been excited even by the progress of natural science, and Franklin seems to have been sometimes regarded as one, who with daring impiety entered the sanctuary of the Most High and stole the thunderbolts of Heaven.

Another reason, and probably that which has oftenest obtained in honest minds, against the doctrine of direct communication of the infinite with finite intelligence, or in other words, against the doctrine of immediate inspiration, as the uniform or usual mode of Deity, is the apprehension that the truths admitted to have been thus revealed, and which are recorded in the Bible, will cease to be regarded as extraordinary manifestations of the Divine power, and lose at once their miraculous character, and their hold on our faith and reverence. But this apprehension should vanish, when we reflect that the evidence of their truth is, that they came from the unerring source of truth, and not that they were miraculously communicated. The first point established, nothing in the mode of communication could add to the certainty of the revelation; and in this view, the advocate for the divine authority of the Scriptures, would seem to gain no small advantage over the sceptic, by establishing that such revelations are a part of the great plan of an all-wise Creator. An eclipse of the sun or moon was once regarded as a miraculous interposition of Deity to change the established order of events, and he who had never witnessed one, might have argued from all experience against it, and have nurtured his incredulity on the impossibility of the sun's being obscured at midday. But when advancing knowledge reveals that such apparent deviations are in reality but a part of the uniform plan of creation, all ground for such scepticism is entirely removed. And if it shall be demonstrated that Divine revelations to man uniformly enter into the moral system of the universe, it would certainly be a very strange logic, which from this demonstration would argue a scepticism in such revelations.

But we must turn from this hasty and imperfect review of his speculations, to make a few remarks on the individual characteristics of the author, which time admonishes us must be brief.

To common observation, there was little in the appearance or deportment of Judge Durfee which was striking. The fire of poetic genius beamed not habitually in his eye, the intensity of philosophic thought was not written on his brow. Plain and unassuming in his manners, and unpretending in conversation, the character of his mind came gradually into view, and like the symmetrical in art, or the grand in nature, required to be dwelt upon before it would be appreciated. But though he did not seek to be brilliant, the scientific eye would not long fail to discover the sterling gold, the existence of which, the practical observer might have already suspected from the absence of the tinsel glitter.

He was thought taciturn, and for this opinion there was probably sufficient ground, but when subjects in which he felt a deep interest were under discussion, this trait or habit was not observable. Touch upon the freedom of the will, the origin of evil, the mode of God's government of the material and spiritual, the mode of matter's existence, or any kindred problem, and his mind was aroused, his countenance brightened, and streams, sparkling with intelligence, flowed freely from the full fountains of thought, which had been silently accumulated.

He was also thought to be of indolent disposition; perhaps, in the estimation of some of the busy world, an idler, wasting time on useless theories, and aimless reveries, but there have been few who could so

"justly in return,

"Esteem that *busy world* an idler too."

But he probably was not easily excited by the ordinary motives to exertion. Accustomed, in his speculations, to contemplate the grand, the entire, and the ultimate, the particular incidents of life, on the magnificent scale of his thoughts, must have shrunk into comparative insignificance, and hence lost much of their exciting influence on voluntary action.

But the desire of knowledge, and that love of truth, which were so prominent in his character, imparted vigorous impulse to those powers, which heeded not the ordinary inducements to effort.

It certainly was not wonderful, that one thus habitually elevated in thought above the purposes of mere organic existence, and the pursuits of the bustling crowd, should not enter with ardor into their puny competitions for wealth and place. Nor should we marvel, that a mind, comprehensive and profound, bearing on its broad expanse, the wealth of earth's remotest realms, while it reflected in its own tranquil depths the grandeur of a supernal sphere, was not easily

"into tempest wrought

"To waft a feather, or to drown a fly."

But where do we find the evidence of greater and more persevering efforts, and efforts directed to the most noble and elevating pursuit, than are evinced in his arduous, truth-seeking investigations. Verily, if his disposition was indolent, he has displayed a wonderful industry and energy in overcoming its natural tendencies.

Had Panidea been his only work, we should probably have inferred from it, that his mind was wholly absorbed by the reasoning faculty, and hence possessed in a remarkable degree, the power of erecting lofty logical structures, and of penetrating by rational formulas to those misty realms, where to feeble minds, truth itself yet appears in undefined nebulous confusion.

But when from it we turn to "Whatcheer," we find that these logical powers were united with poetic talents, which, with equal cultivation, might have become his most prominent characteristic; that, while, with resistless demonstration, he could convince the judgment, and dictate to the intellect, he could also sway the affections, and touch the heart with poetic fervor. Though these powers, are perhaps not so incompatible as has often been supposed, yet the combination of them with both in a high degree of perfection, is still very rare, and indicates great intellectual ability and versatility of genius.

The fact, that the poetic and reasoning faculties are respectively adapted to each of the two principal modes of mental

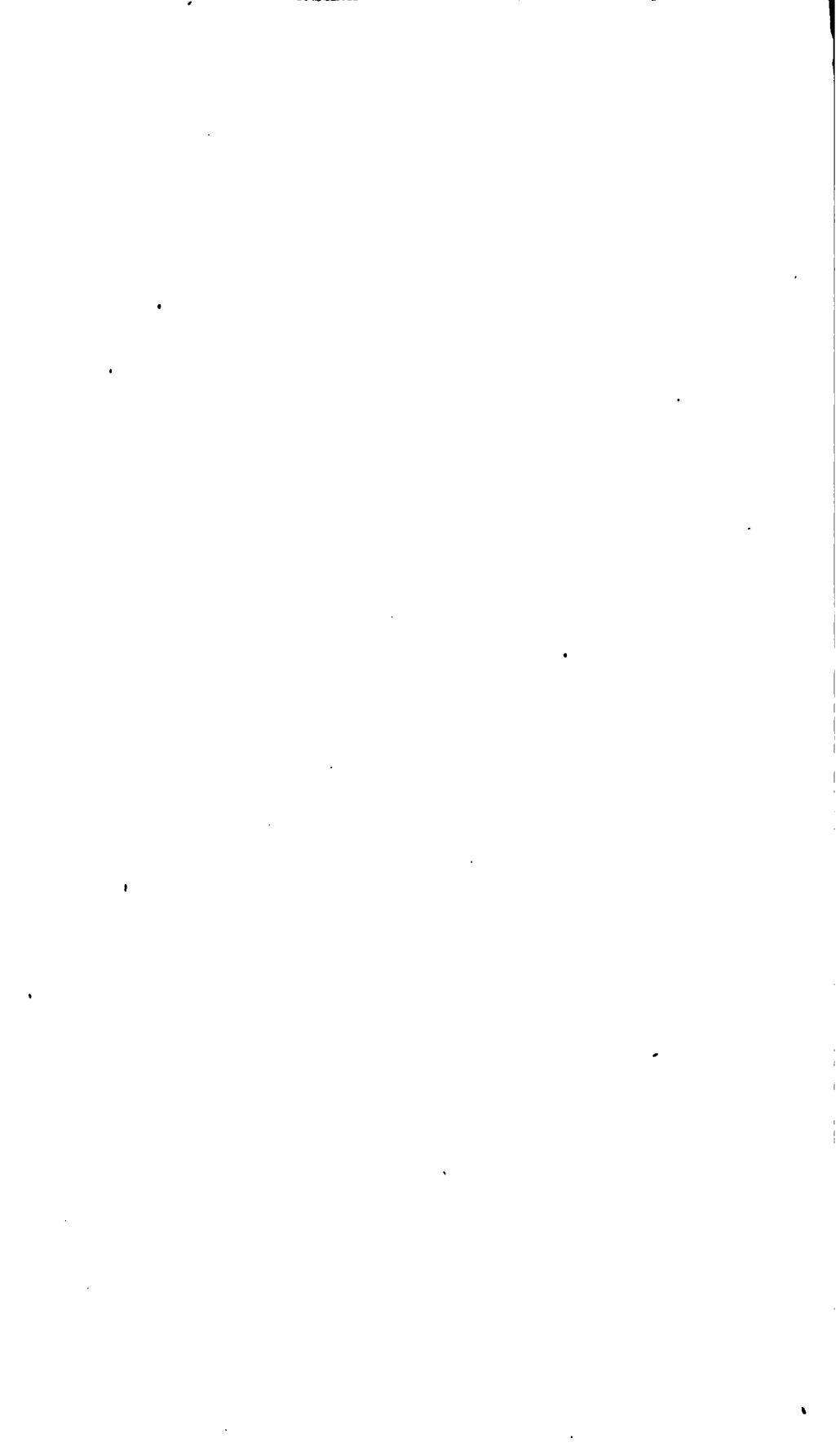
operation ; the one to the *direct* examination of realities, material or spiritual ; the other, to the investigation of the relations of these same realities, through the medium of substituted terms, and the consideration of the mutual aid they render, and the reciprocal protection against the intrusions of error, which they accord to each other, may enable us better to appreciate the strength and beauty of that mind in which these faculties were blended in such full measure, and in such harmonious proportions.

In Judge Durfee these were happily united with that ardent love of truth, and exalted philanthropy, which made him feel it to be at once the happiness and the duty of his life to devote them to the advancement of knowledge, and the elevation of his race.

But his labors in this sublunary sphere are closed forever. For such change, however sudden, the wise and good seem ever prepared, and as if anticipating his destiny, he had already, by his last public effort, completed for himself a mausoleum in our past history, where his memory is embalmed, and in the future inscription of which our children will learn to appreciate his talents and admire his virtues. There is a mournful interest in contemplating his views in connection with the closing scene of his life. They were already so spiritual, that we hardly associate the accustomed idea of great and sudden transition with his departure to the world of spirits. It seems as if his soul had only gone forth to mingle with those vast manifestations of creative energy with which, in his system of thought, it was even here so completely assimilated, and with whose author it was so closely allied by such numerous and interesting relations. All existence had, in his mind, assumed a form so ethereal that we hardly conceive that throwing off its mortal coil could have suddenly imparted new spirituality to its conceptions. For him the material universe had already rolled together as a scroll, and had fulfilled its great purpose of conducting thought through the transitory objects of sense to the immutable forms of abstract truth, and to the contemplation of that higher mode of existence, which is eternal and imperish-

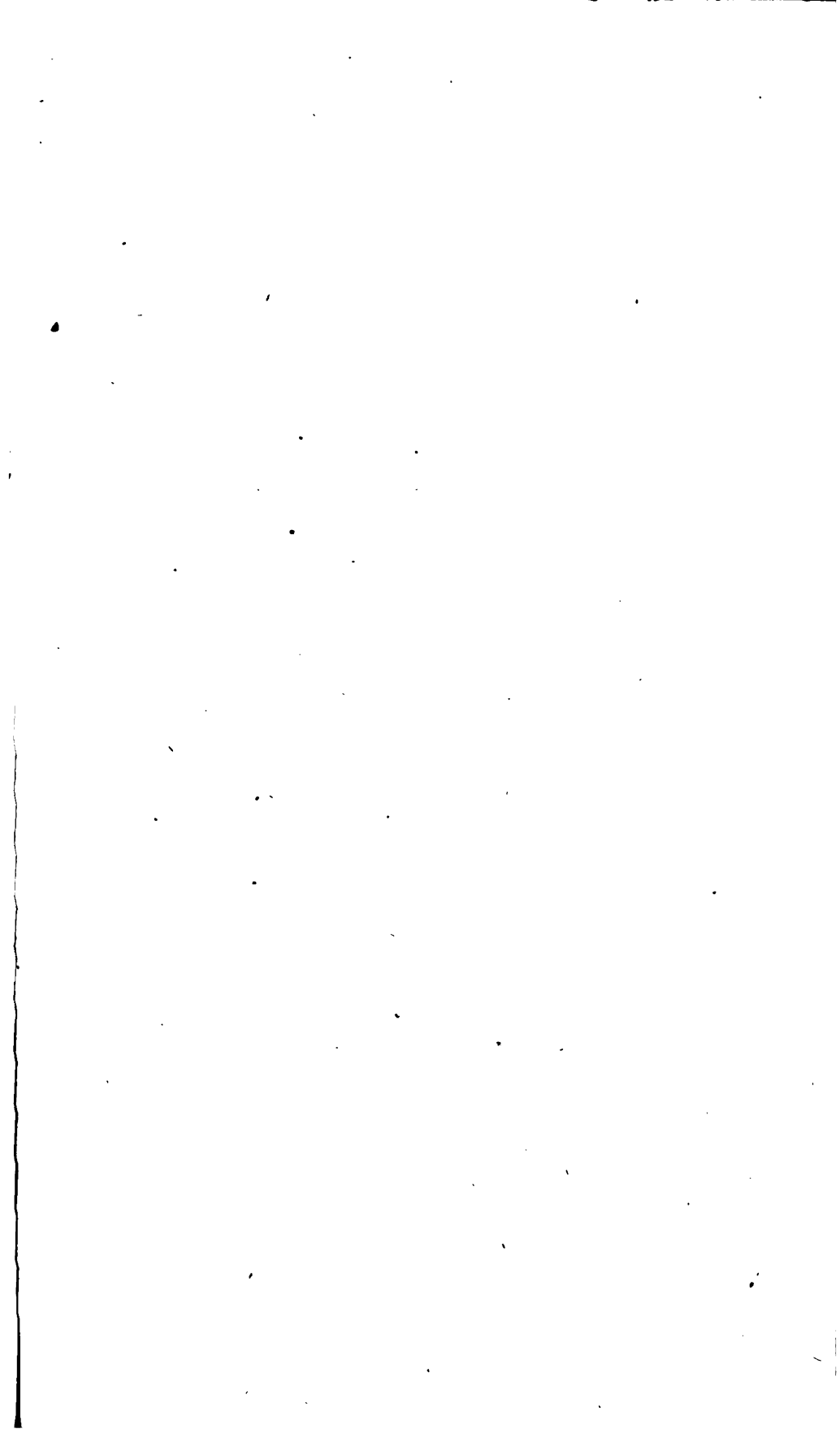
able. Thus partially anticipated in its high office of awakening the soul to a life purely spiritual, death to him could have no terrors, and to us seems robbed of half its circumstance. Animated by the rational and cheering hope shed upon the future, by a life thus marked by a true progress of soul, and in which, as he simply expressed it, he had endeavored to do right, with calm composure he saw the stern messenger of fate opening the portals for his entrance to a new and untried state of existence, and died without fear and without ostentation,





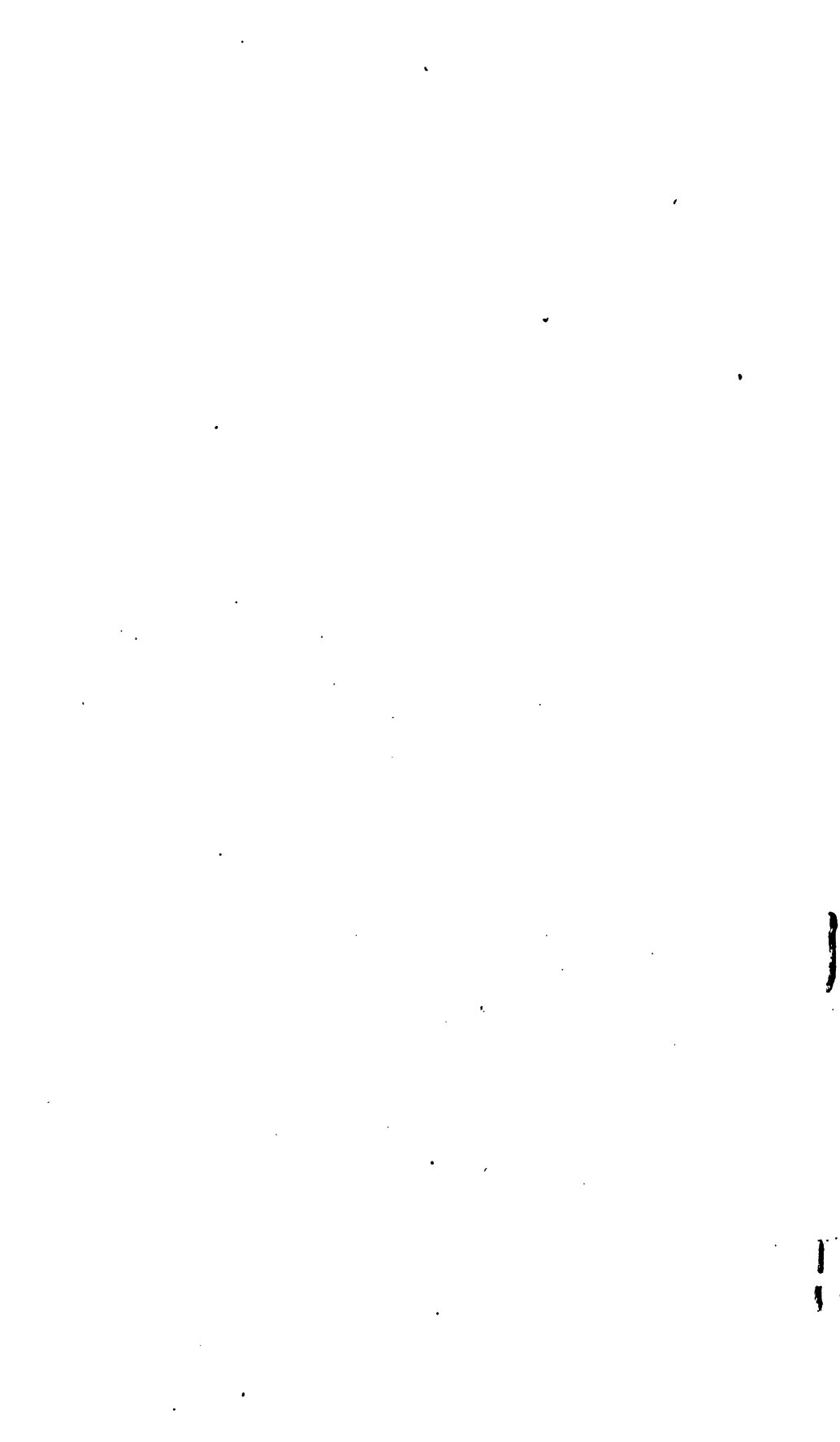












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